

## HB 32 – Misuse of Confidential Criminal Justice Information

*Montana Department of Justice*

The purpose of this bill is to criminalize the misuse of confidential criminal justice information when an individual entitled to access such information abuses their authority by using the Criminal Justice Information Network (CJIN) for personal use, financial gain, or for any other unauthorized purpose. It would also apply when information accessed from CJIN is disseminated to people who are not authorized to receive confidential criminal justice information.

### WHAT IS THE CRIMINAL JUSTICE INFORMATION NETWORK (CJIN)?

**44-2-301.** (1) The attorney general is authorized to establish a criminal justice information network for the purpose of connecting federal, state, county, and city law enforcement agencies. The attorney general may bring into the network, if the parties desire, any department of Montana state government or its subdivisions outside of law enforcement activities when, in the opinion of the attorney general and the state department or subdivision, the inclusion will materially aid the law enforcement agencies of the state of Montana or its subdivisions in the fight against crime.

(2) As used in this part, "criminal justice information network" means a telecommunications network used exclusively for the purpose of information exchange among the state's law enforcement agencies as provided in Title 44, chapter 5.

### EXAMPLES OF MISUSE OF CONFIDENTIAL CRIMINAL JUSTICE INFORMATION

While rare, Montana has had a few incidents of misuse of confidential criminal justice information:

- December 2014 – A trusted IT Database Administrator was terminated after an investigation revealed personal use of CJIN - confidential criminal justice information was accessed on a former boyfriend and a query was attempted on a family member.
- November 2011 – A Detention Officer was terminated for running queries under another user's sign-on for personal use.
- May 2010 – A Drug Task Force Records Clerk was terminated for running queries for personal use.
- September 2007 – A dispatcher was terminated for running queries for personal use.
- July 2007 – A dispatcher was terminated for running queries for personal use.
- June 2006 – A dispatcher resigned during the termination process for running queries for personal use.
- December 2005 – A federal search warrant was conducted at a former Deputy's residence and CJIN printouts were discovered from queries requested for personal use. The Deputy was terminated for this and other violations.

### OTHER STATES WITH LAWS SIMILAR TO HB 32

Some states have statutes in place that make it a criminal offense to unlawfully access and disseminate confidential criminal justice information. Below are some examples:

#### Alabama

Section 13A-8-112 *Computer tampering.* (b)(5) If any violation relates to access to an Alabama Criminal Justice Information Center information system or to data regulated under the authority of the Alabama Criminal Justice Information Center Commission, the offense is a Class B felony, punishable as provided by law. Misuse of each individual record constitutes a separate offense under this subsection.

#### Missouri

576.050. 2. A person commits the offense of misuse of official information if he or she recklessly obtains or discloses information from the Missouri uniform law enforcement system (MULES) or the National Crime Information Center System (NCIC), or any other criminal justice information sharing system that contains individually identifiable information for private or personal use, or for a purpose other than in connection with their official duties and performance of their job.

3. The offense of misuse of official information is a class A misdemeanor.